UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/11/Add.11
17 June 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

CZECH REPUBLIC

[4 March 1996]

GE.96-17566 (E)

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* Available for consultation in the files of the Secretariat.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize the national law and policy with the provisions of the Convention

1. Measures in force

1. The place of the Convention on the Rights of the Child (hereinafter referred to as "the Convention") in the legal order of the Czech Republic is governed by article 10 of Act No. 1/1993 Coll., Constitution of the Czech Republic, which stipulates that "ratified and proclaimed international agreements on human rights and basic freedoms binding for the Czech Republic are binding and have a precedence over the law".

2. At the level of the constitutional law, the protection of children is guaranteed by Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms, which is part of the Czech constitutional system (hereinafter referred to as "the Charter"). Its article 32 stipulates that "parenthood and the family are under protection of the law. Special protection of children and adolescents is guaranteed".

3. At present, the legal status of children is mainly governed by Act No. 94/1963 Coll.*, Family Act, in the wording of later amendments, which embodies the rights of the child only partially and mostly paternally. Legislative amendments to the legislation governing the rights of the child are now being prepared.

4. Other laws, particularly the Civil Code, the Labour Code and the Penal Code, contain parts specifically defining the legal status of children, or youth, in the existing legal relations.

2. Measures foreseen

5. A government resolution of January 1995 charged the appropriate authorities with preparing and submitting to the Government a draft of the guidelines for the family law and a draft law on social and legal principles relating to the protection of children and youth by September 1995. Both proposed laws will rank among the basic legal regulations governing the rights of the child.

6. The draft law on the social and legal principles relating to the protection of children and youth is being prepared by the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Education, Youth and Sports, the Ministry of Health, the Ministry of the Interior and the Ministry of Culture. This law will particularly define:

(a) The status of the child as a subject of social and legal protection with a recognizable right to his/her own views and to be heard in matters concerning him/her;

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* Coll. = Collection of Laws, the official gazette of the Czech Republic.

(b) The right of the child to preserve his/her own identity and be brought up in his/her own family;

(c) The obligation of the State to provide families with children with sufficient assistance;

(d) The State authorities' role in organizing and securing alternative care for the child;

(e) The obligation of the State authorities to protect the child from physical and mental violence;

(f) The obligations of the State authorities in matters related to reintegration and recovery of the child victimized by negligence, abuse, torture and other degrading treatment;

(g) The obligation of the State authorities to adopt efficient measures for the child's protection against harmful influences;

(h) The obligation of the State authorities in the area of registration of children separated from their families;

(i) The cooperation of authorities concerned with welfare and legal protection and other State bodies and non-State entities.

7. The proposed amendment will be subsequently reflected in changes in civil court proceedings, administrative law, penal law and special juvenile jurisdiction.

8. The Ministry of Justice, the Ministry of Labour and Social Affairs and the Office for Legislation and Public Administration are working on the amendments to the Civil Code provisions on family law. The draft law should introduce more thorough protection of the child's rights particularly in divorce proceedings, of his/her proprietary interests and his rights to obtain information during the proceedings.

9. An amendment to the Civil Procedure Code, under preparation at the Ministry of Justice, will specify the child's right to special representation in the proceedings concerning minors which is otherwise fully governed by the principle of investigation and authorizes the court to take officially any measures in the interest of minor children. The amendment will establish the right of the child to express his/her views in court.

10. Compliance of all prepared documents relating to persons aged less than 18 with individual provisions of the Convention will be considered before their eventual adoption.

B. Mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention

11. In the Czech Republic coordination of the child policy and monitoring of the implementation of the Convention at the government level is in the

authority of the Government. According to Act No. 2/1969 Coll. on the establishment of ministries and other central State authorities of the Czech Republic, in the wording of later amendments, care of children and family, protection of children and their rights falls within the authority of several departments: Ministry of Education, Youth and Sports, Ministry of Health, Ministry of Labour and Social Affairs, Ministry of Interior, Ministry of Justice and Ministry of Foreign Affairs. No fundamental changes are foreseen in this area.

12. Commission for the Family. In 1994, the Petition Committee for human rights and nationalities of the Czech Parliament's House of Representatives resolved to establish a Commission for the Family for the protection of children's and women's rights. The objectives and tasks of the Commission are as follows:

(a) In the area of education, to propose and push forward comprehensive education in the system of elementary and secondary school with stress on the values of life, partnership relations and responsible parenthood;

(b) In the area of legislation, to formulate, on the basis of gathered and analysed opinions and knowledge, back-up material for the amendment of the Family Act and, through targeted research and expert studies and use of exact documentation, find arguments for discussions on fundamental social security legislation;

(c) In the area of concrete social practice, to initiate the establishment of regional crisis centres aimed at the prevention of crime and pathological addictions.

13. Seven deputies and five experts take part in the Commission's work. They are responsible for the following sections: protection of children's rights section; family issues section; legislative section; analysis and research section; information and records section.

14. The Commission meets at least once a month, usually when the materials require its evaluation and views. The Petition Committee for human rights and nationalities has recommended that the Commission's status be strengthened.

15. Complying with the needs of the Czech Republic and with resolutions and recommendations of intergovernmental organizations, the Government should establish a government institution engaging in professional and systematic analysis of the problems of the family and of children's and women's rights.

C. Measures taken to make the principles and provisions of the Convention widely known

16. These measures include mostly publication and lecturing activities both for medical, pedagogical and social personnel who work with children professionally, and for the general public.

17. In the area of publications, the most active organizations are the European Information Centre of Charles University and UNICEF, Central and

Eastern Europe Unit (a study "Children in the times of changes"), the Czech UNICEF Committee (promotional leaflets), Pionýr - Association of children and youth (a promotional leaflet-cartoon explaining the Convention in a simple way understandable to children). The Czech Academy of Sciences Pedagogical Institute of J. A. Komenský published "Children's Rights" featuring documents and information materials on the rights of children. The Czech Section of Defence for Children International prepares for publication a complete set of international documents on the rights of the child, which will be provided to all institutions working with children (schools, libraries, etc.). The Czech Government supports all the above-mentioned activities by subsidies and grants.

18. In 1994, Pionýr, in cooperation with the Ministry of Education, Youth and Sports, organized a seminar "Child associations and the Convention on the Rights of the Child" concerning the promotion and spread of the Convention among children. The Centre for Education in Human Rights at Charles University organized together with the Ministry of Education, Youth and Sports an international seminar "Education in human rights and citizenship in Central and Eastern Europe" in 1995, concerned, among other things, with the Convention and its application in education.

19. Training of policemen can serve as an example of the numerous special training courses for people professionally involved with children. Police officers in charge of investigating juvenile delinquency and crimes affecting minors are regularly educated about the Convention and its reflection in the legal order of the Czech Republic during their regular meetings. Nowadays improvements in police work are taking place in connection with the criminality of children and youth.

D. Measures foreseen to make this report available to the public at large

20. To make this report widely available to the public at large, the Ministry of Culture will publish it in "Věstník Asociace českých a moravskoslezských muzeí" ("Bulletin of Czech, Moravian and Silesian Museums"), a professional publication for museums and galleries. It will also appear in "Místní kultura" ("Local Culture"), an information newsletter for local, municipal and regional councils, local and regional cultural institutions and associations, published by the Information and Consultation Centre for Local Culture (Informační a poradenské středisko pro místní kulturu) subsidized by the Czech Ministry of Culture. The report will be provided for further use to State scientific libraries established by the Ministry of Culture, so that public libraries can pay increased attention to issues concerning the status of children, their education and protection against undesirable influence in the future.

21. The Ministry of Justice will publish parts of this report in the journal Právník.

22. The Ministry of Education, Youth and Sports together with the Ministry of Foreign Affairs will ensure publication of the report in a popular form.

II. DEFINITION OF THE CHILD

23. Definition. In the Czech Republic's legal system the term "child" means a minor person, i.e. a person from birth until majority. The legal status of a child is then defined depending on his/her age. The terms "youth" or "adolescents" are also used in legal terminology. The words "juvenile" and "person who has not attained the age of 15" are used in criminal law regulations.

24. There is a substantial difference between the legal status of a child aged under 15 and an adolescent aged between 15 and 18 years. The legal consequences are different in the criminal law in the case of school-age children and children who have attained 15 years and completed compulsory school attendance.

25. Legal capacity. Under section 7 of the Civil Code, an individual acquires the capacity to have rights and duties at birth; this also applies to a conceived child before birth, if he/she is born alive.

26. Capacity in civil law relations. In compliance with section 8 of the Civil Code a natural person gains the capacity to acquire rights and assume duties in full extent on attaining his/her majority, i.e. upon reaching the age of 18. Prior to this time, majority can only be attained by the conclusion of a marriage, which the court can, in exceptional cases, permit in the case of a minor older than 16 years. A person's majority is not lost by the termination of the marriage, or by its being pronounced invalid.

27. Pursuant to section 9 of the Civil Code, minors possess the capacity to execute only such legal acts which by their nature are suitable to the intellectual and volitional maturity corresponding to their age.

28. In matters of inheritance, provisions of section 476 of the Civil Code expressly exclude the option of a minor aged under 15 years to write a will. Minors aged over 15 may express their will only in the form of a notarial deed.

29. Criminal liability. Under section 11 of the Penal Code a person becomes fully liable for his/her acts upon reaching the age of 18. Persons who, at the time of committing the crime, have not attained the age of 15 are not liable for their acts.

30. Liability in the administrative law. The age-limit for acquiring legal capacity to have rights and assume duties varies greatly in the administrative law and is governed by special laws applicable in individual sectors.

31. Liability in social security relations. A person gains the capacity to acquire rights and assume duties by his/her own legal acts in social security relations upon reaching the age of 16.

32. Medical services. In relation to medical services, a child is considered as a person aged less than 18 years of age; this is reflected also in the statute of specialist medical care. Primary comprehensive health care is provided by a practitioner-paediatrician. Medical consultancy without the

parents' consent may be provided to children over 14 years of age, and on confidential telephone lines it is offered without any age restrictions.

33. Compulsory school attendance. Compulsory school attendance is nine years of elementary school.

34. Conclusion of a marriage. Under section 13 of the Family Act a marriage can be concluded on attaining majority, i.e. upon reaching the age of 18. Minors older than 16 may get married only with the consent of a court.

35. Liability in labour relations. Section 11 of the Labour Code stipulates that natural persons acquire the capacity to have rights and duties in labour relations and the capacity, by their own legal acts, to acquire these rights and take on these duties on the day they reach the age of 15. However, employers must not make an agreement with them that their employment will start on a day which precedes the day when that person completes the compulsory school attendance.

36. Subsidiary employment. The provisions of section 70 (b) of the Labour Code apply to the age requirements for subsidiary (part-time) employment which cannot be agreed with a minor. Contracts for work performed outside normal employment may be concluded with minors only if it does not infringe their health and development, or for vocational training.

37. Rights and duties acquired depending on the age.

Age	Rights and duties
Birth	Right Right to be the addressee of a donation contract (all rights become effective if the child is born alive)
0	Right to name and surname Right to citizenship Right to education Right not to be separated from the parents Right to social protection Right to legal protection Right to free basic medical care
6	Beginning of obligatory school attendance
14	Capacity for labour law relations for graduates of auxiliary schools
15	Capacity for labour law relations for graduates of primary schools Age of issue of identity card Partial criminal accountability of minors
16	Conclusion of marriage with the consent of the court Abortion without consent of the parents Purchase of cigarettes and tobacco products End obligatory school attendance
17	Registration of boys for military service

38. Recruitment into the armed forces. According to sections 11 and 14 of Act No. 331/1992, the Military Act, a person may voluntarily join or be drafted into the armed forces only upon reaching the age of 18.

39. Graduates of auxiliary schools. Pursuant to section 11 of the Labour Code, a natural person who has finished compulsory school attendance at an auxiliary school prior to reaching the age of 15 acquires the capacity to have rights and duties, and to acquire and assume these by his/her own legal acts, on the day that his/her compulsory school attendance is terminated, but at the earliest on the day he/she reaches 14.

40. Overtime and night work. Overtime work is expressly prohibited to minors in section 166 of the Labour Code. As an exception, minors over 16 may perform night work not exceeding one hour and directly following their daytime work hours, if such is necessary for their vocational training.

III. GENERAL PRINCIPLES

A. Prohibition of discrimination

41. Prohibition of discrimination is declared in article 4 of the Constitution and in article 3 of the Charter which stipulates that "fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith and religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status". Discrimination for national or ethnic reasons is also prohibited by article 24 of the Charter which states that "The national or ethnic identity of any individual shall not be used to his/her detriment".

42. Under the Penal Code, violation of the prohibition of discrimination is qualified, especially pursuant to its section 198, as initiation of national and racial hatred and, pursuant to section 196, as violence against a group or an individual.

43. Article 32 of the Charter stipulates that "children born in as well as out of wedlock have equal rights".

44. The non-discrimination principle is reflected in all legal regulations, including those governing the rights of children, which have to comply with the Constitution and the Charter.

B. Best interests of the child

45. In the legal order of the Czech Republic the principle of the best interest of the child as such is not expressly defined. It is, however, inherently contained in numerous provisions of specific legal regulations mentioned hereafter. Its future inclusion in the amendments which are being prepared is foreseen.

46. The interests of the child are relevant for decisions made by a State authority, particularly a court, on matters concerning the child. This is

given both by the place of the Convention in the Czech legal order (see above) and by other pertinent legal provisions which use this term in various connections.

47. It is sometimes a prerequisite for the court's decision to know that it is in the child's interests; the court can assume the duty to decide on this. For example, under section 45 of the Family Act a court can, if it is in the child's interests, place a child in foster care. Similarly, under section 65 of the Family Act, a minor can be adopted only if the adoption is for his/her benefit.

48. Partial interests can be formulated more specifically in legal documents, for example, in the interest of the child's upbringing or in the interest of the child's health. Section 27 of the Family Act, under which the court can prohibit contacts of a parent with the child only if this is necessary for the child's health, may serve as an example.

49. Apart from situations where the best interests of the child are a decisive factor for the issuance of a ruling, in certain cases the child's interests are only one of the circumstances affecting the decision. For example, under section 705 of the Civil Code, when deciding on the continued lease of a flat after a divorce, the court shall take into consideration the interests of minor children. Similarly, when settling the undivided co-ownership of spouses, the court has a duty to consider, in compliance with provisions of section 150 of the Civil Code, the interests of minor children.

50. The issues of conflict of interest both between a child and an adult and between several minor children, are governed by legal regulations. In addition to this, the Family Act uses the institute of a guardian in cases when a conflict of interests is pending.

C. The right to life, survival and development

51. Article 6 of the Charter stipulates that "everybody has the right to life", and that "human life is worth protecting before birth. Nobody may be deprived of his/her life. Cases where somebody has been deprived of his life in connection with acts not punishable under the law, do not constitute infringement of rights under this Article."

52. The following sections of the Penal Code deal with this matter: section 219 defines murder; section 220 qualifies infanticide as murder; section 217 prohibits the selling of alcoholic beverages to adolescents; section 218 prohibits the administering of anabolic drugs to young people.

53. Article 32 of the Charter guarantees special protection of children and adolescents, which is also reflected in other legal regulations.

D. Respect for the views of the child

54. Article 17 of the Charter stipulates that "everybody has the right to express freely his/her views either orally, in writing, or in print, in the form of art, or in any other form, as well as to freely seek, receive and

disseminate information and ideas regardless of the frontiers of the State". In compliance with this principle, legal regulations give the child a chance to express his/her views and include an obligation to respect them, in accordance with the mental and intellectual maturity of the child.

55. Citizenship. Under provisions of Act No. 40/1993 Coll. on acquisition and loss of Czech nationality, minors aged between 15 and 18 years may apply for citizenship on the basis of their own decision.

56. Conclusion of marriage. Marriages of minors over 16 years of age are governed by section 13 of the Family Act. The court may exceptionally permit a minor older than 16 years of age to conclude a marriage, if doing so corresponds to the social purpose of marriage.

57. Medical services. Under the provisions of Act No. 20/1966 Coll. on the health of people, parents give consent to medical examinations and medical treatment of their child. If the child's intellectual maturity allows him/her to consider the necessity of a certain treatment (service), his/her consent is envisaged. If it is necessary to examine or provide treatment without delay to save the child's life or the child's health and the parents refuse to give their consent, the medical doctor in charge is entitled to decide on the treatment. This, however, does not apply to children who can themselves consider the necessity of such treatment.

58. Termination of pregnancy. In case of girls under 16 the consent of both the girl and her parents is required for termination of pregnancy under Act No. 66/1986 Coll. on abortions and Implementing Regulation No. 75/1986 Coll. In the case of a girl aged between 16 and 18 years, consent of the girl is sufficient; her parents must be informed.

59. Adoption. Pursuant to section 68 of the Family Act, if the child is able to consider the impact of adoption, his/her consent is required. Pursuant to section 185 of the Civil Procedure Code, the adopted child may also apply for cancellation of the adoption.

60. Participation in proceedings. The right to be a party to administrative, civil and penal procedures is guaranteed by law, including the possibility to be represented. This principle is particularly embodied in articles 36, 37 and 38 of the Charter and relevant legal regulations.

61. Civil law procedure. The provisions of section 178 of the Civil Procedure Code governing the treatment in court of minors stipulate the possibility to hear, if appropriate, the child's view concerning the adequacy and suitability of the proposed or intended measures. In case of an adoption, the court will hear the child in accordance with section 182 of the Civil Procedure Code only if the child is capable of understanding the meaning of adoption and the interrogation is not contrary to his/her interest.

62. Criminal procedure. In accordance with general provisions of the Penal Code which apply to all parties involved in the procedure, a minor has a right to express his views during proceedings. For example, under the provisions of section 207, the accused is interrogated on matters related to the accusation,

and under section 214 the suspect has to be asked after each piece of evidence submitted whether he wishes to comment on it. Section 216 stipulates the right of the suspect to make a final speech.

IV. CIVIL RIGHTS AND FREEDOMS

63. Civil rights and freedoms are embodied particularly in the Charter, other internal legislation and international agreements to which the Czech Republic is a party. New laws and amendments to the existing regulations take into account individual provisions of the Charter, thus guaranteeing compliance with civil rights and freedoms.

A. Name and nationality

64. Article 10 of the Charter stipulates that "... everybody has the right ... to the protection of his or her name".

65. Name and nationality are further secured by Act No. 268/1949 Coll. on birth registers, in the wording of later regulations, Act No. 55/1950 Coll. on the use and change of a name and surname and Ministry of the Interior Decree No. 479/1950 0.1. containing implementing regulations to the Act, and by Act No. 40/1993 Coll. on the acquisition and loss of Czech nationality, in the wording of Act No. 272/1993 Coll.

66. The right to a name and surname is guaranteed in the Act on Birth Registers. Its article 10 lists the facts entered in the register of births: name, surname and sex of the child; nationality of the child; the agreement of the parents on the child's surname, if their surnames differ.

67. Section 13 stipulates the duty of the person who assisted in the childbirth, usually a physician, to report the birth. Parents have the reporting duty in the absence of such a person, within the set seven-day time-limit. A mother may fulfil this duty after the set time-limit, as soon as she is able to report the birth. Information on a found child who is not able to give the data necessary for identification are entered in the birth register.

68. A new law on birth registers, name and surname and related measures is now being prepared. This law will fully respect, in the same way as the existing relevant legislation, the commitments taken over by the Czech Republic by its succession to the Convention on the Rights of the Child.

69. The institution of nationality is based on the Constitution which stipulates that no one can be deprived of his/her nationality against his/her will and, that this is governed by a legal regulation. The legal regulation governing nationality is the Act on Czech Nationality stipulating that a person acquires Czech nationality, inter alia, by: birth, adoption, decision on paternity or being found on Czech territory.

70. A child becomes a national of the Czech Republic by birth if at least one of his parents is a Czech national, or if the parents are stateless, or if at least one of them is permanently residing in the territory of the Czech Republic and the child is born on this territory. A child at least one of

whose adoptive parents is a Czech national acquires Czech nationality on the day on which the decision on the adoption enters into effect. A person under 15 found in the territory of the Czech Republic is a Czech national unless an evidence is provided that she/he acquired another nationality by birth.

71. Under the Act on the Czech Nationality, citizenship is granted to: children under 15 on the basis of an application filed by their parents (children aged less than 15 do not make a citizen's vow) and to persons over 15 on the basis of their application. Each of the parents may file an application for nationality of the child. However, the consent of the other parent, which may be substituted by a judicial ruling, is required. The other parent's consent must be in writing.

72. The nationality of children under 15 is always determined by their parents. If the parents do not reach agreement, a court's decision is required.

73. The sphere of nationality and birth registers is administered by a comprehensive system of Birth Registers (always one local or municipal office for several villages/municipalities); at regional councils staff of departments of internal affairs are in charge of these matters. They are professionally subordinated to the appropriate section of the Ministry of the Interior which inspects, at least once a year, their activities. This system sufficiently guarantees compliance with relevant legislation and prevents infringement of the rights of children and minors.

74. In addition to this, effective administrative decisions made according to the Civil Procedure Code and concerning birth registration and nationality matters and their compliance with law are subject to a review by a court.

B. Freedom of expression

75. Freedom of expression and the right to information are guaranteed by article 17 of the Charter which stipulates that "everybody has the right to express freely his views, either orally, in writing, or in print, in the form of art or in any other form, as well as freedom to seek, receive and disseminate ideas and information of all kinds, regardless of frontiers of the State". In accordance with the Charter, these rights are restricted by certain provisions of the Penal Code, necessary in a democratic society to protect the rights and freedoms of others, security of the State, public safety, health and morals.

76. For example, freedom of expression in the area of museums and galleries is demonstrated mainly by organizing exhibitions and installations which enable active participation of the child: allow him/her to touch the exhibits, modify them, or depict them at drawing boards or paper prepared for this purpose, and similar.

C. Access to appropriate information

77. Article 17, paragraph 1, of the Charter guarantees the right of access to information. The right to seek and disseminate information may, under

paragraph 4 of the same article of the Charter, be restricted by law if it involves measures necessary in a democratic society to protect the rights and freedoms of others, security of the State, public safety, health and morals.

78. Many publications, films, video cassettes, CDs and records for children and youth are published/made in the Czech Republic. Children's sections in public libraries contain large quantities of books and magazines. Theatres, in cooperation with schools, prepare certain types of performances, such as performances for students and families with children. The National Theatre, for example, provides in its Club of Young Audience a 50 per cent discount. Its Sunday matinees intended for families with children also offer discounted tickets. Yearly subscriptions at a discounted price and special discounts for students are also available. The State Opera offers discounted subscriptions for families with children and discounts for students. The Czech Philharmonic Orchestra organizes junior music evenings with word interpretation for families with children. Its final rehearsals are open to youth and attended mostly by schools because they take place in the morning.

79. No museums or galleries are closed to children, and entry is not limited by any age restrictions. The attendance of youth is supported by a system of discounts and encouraged by supportive events aimed mainly at young people.

80. The National Youth Information Centre (Národní informační centrum mládeže = NICEM) in the Czech Republic, linked to the European Information System ERYICA, is near completion. This centre, based and subsidized by the Ministry of Education, Youth and Sports, gathers all information on the activities of children and youth. It is also linked to non-governmental organizations engaging in the activities of children and youth.

D. Freedom of thought, conscience and religion

81. Freedom of thought, conscience and religion is guaranteed by article 15 of the Charter which stipulates that everybody has a right to change his/her religion of faith, or to have no denomination.

82. Freedom of religion is further protected by the Penal Code, namely by the provisions of section 236 which specifies curtailing of freedom of religion. In addition to this, a special law which is part of the legislative system of the Czech Republic protects freedom of religion namely Act No. 308/1991 Coll. on the freedom of religion and status of churches and religious societies.

83. Freedom of conscience is embodied in a number of special legal regulations, for example, Act No. 18/1992 on civilian service, which permits draftees to refuse ordinary military service on the basis of conscience.

84. Churches and religious societies intending to engage in church activities in the territory of the Czech Republic are registered by the Ministry of Culture under conditions stipulated by Act No. 161/1992 Coll. on the registration of churches and religious societies. Smaller groups of persons professing a certain religion cannot therefore register as churches or religious societies and enjoy the same legal protection.

85. Museums and galleries try to offer their visitors, including children and youth, an objective picture of the history of mankind and nature, without interference of any ideology. At the same time, some space is left for the visitor's own interpretation of facts and forming of his own ideas, thereby complying with the principle of respect for freedom of thought, conscience and religion.

E. Freedom of association and peaceful assembly

86. Articles 19 and 20 of the Charter guarantee freedom of association and peaceful assembly.

87. The right of citizens to peaceful assembly is embodied in Act No. 84/1990 Coll. on assembly, in the wording of later regulations. Under this Act, a person older than 18 years may convene an assembly. Participation in an assembly is not restricted by age, and no age requirements apply to membership in civic associations. Citizens aged less than 18 years may co-found an association.

88. The Penal Code guarantees freedom of association and assembly, specifically the provisions of section 238a which define the infringement of freedom of association and assembly.

F. Protection of privacy

89. Article 10 of the Charter embodies protection of every person against arbitrary interference in his/her private and family life, unauthorized gathering, publication or other misuse of personal information. Article 12 of the Charter guarantees the inviolability of the home.

90. The Penal Code covers the infringement of the right to privacy in the definitions of criminal acts of infringement of the home in section 238, slander in section 206 and infringement of the confidentiality of mail in section 239.

G. Prohibition of torture or other cruel, inhuman or degrading treatment or punishment

91. Article 7, paragraph 2, of the Charter establishes that "nobody may be tortured or subjected to cruel, inhuman or humiliating treatment or punishment". This provision is reflected in all relevant legal regulations.

92. In view of the international commitments of the Czech Republic ensuing from the United Nations Convention against Torture, and of the internal need for a legislative regulation, the Penal Code was amended by Act No. 290/1993 Coll., which also amends and complements the Act on Transgressions. The amendment now lists in section 259a among offences punishable under the Penal Code the crime of torture and other inhuman and cruel treatment.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

93. Article 32 of the Charter stipulates that parenthood and the family are protected by law and guarantees special protection of children and

adolescents. Under this article, care for children and their upbringing are the rights of parents and children have a right to be brought up and cared for by their parents. The rights of parents may be restricted and minor children may be separated from them against their will only by a judicial decision based on law. Parents who are raising children are entitled to assistance from the State.

A. Parental guidance

94. In general, the inseparability of minor children from their parents against their will is guaranteed by article 32, paragraph 4 of the Charter with the provision that separation may occur only on the basis of law and judicial decision. This article is reflected in individual provisions of the Civil Code, Family Act, Penal Code and Penal Procedure Code. Illegal separation of the child from his parents is punished under the provisions of section 216 of the Penal Code which defines the crime of kidnapping.

95. The separation of the child from his parents, governed by provisions of section 45 of the Family Act, is possible only on the basis of a judicial decision or, in emergency cases, a decision made by a child-care authority, for a necessary period (so-called preliminary measure). A preliminary measure shall be newly defined in compliance with Constitutional Decision No. 72/1995 Coll.

96. Under sections 26 and 27 of the Family Act, contacts of children and parents in divided families are either based on an agreement which must comply with effective legal regulation and respect the child's interests or, in cases when no agreement was reached or this is not fulfilled, on a judicial decision.

97. Under section 293 of the Criminal Procedure Rules a minor can be taken into custody only if the purpose of custody cannot be achieved otherwise. A family member of the accused, as well as his guardian, should be informed about the custody under section 70 of the Penal Procedure Code. A similar reporting duty also applies to cases of imprisonment or extradition of a person, as well as to hospitalization.

98. In compliance with section 84 of the Penal Code, the court may also decide on the separation of the child by imposing so-called protective custody if "... the child does not receive proper care, is neglected, or if it is dictated by the environment in which the child lives". According to provisions of section 86 of the Penal Code, if a person aged between 12 and 15 years commits a criminal act punishable by an exceptional penalty, the court will be obligated to decide in civil proceedings on his/her protective custody.

99. The right of a child separated from one or both parents to have regular personal contacts with both parents is guaranteed, for example by the court's duty to decide in divorce cases on the contacts of the child with the parent who does not have custody of the child.

B. Parental responsibilities

100. The responsibilities of parents and children and other relatives are governed by the Family Act, which will be amended in 1995.

101. If the parents do not fulfil their legal obligation to rear and nurture their children, the relevant legal regulations authorize the appropriate administrative and judicial bodies to solve the child's situation. In case of a conflict between the parent's and children's interests, the administrative authorities have a duty to adopt measures for the protection of the child and his needs. If a court decides on the child's situation and family relations, the child is assigned a curator ad litem to represent him in the court proceedings.

C. Separation from parents

102. Article 32, paragraph 4, of the Charter stipulates that "minor children may be taken away from their parents against the latter's will only by a judicial decision on the basis of law". Under provisions of the Family Act, even an administrative authority can make such a preliminary decision only in cases posing a threat to the life, health or favourable development of the child, or if the child remains without any care. This decision remains enforce until a decision is made by a court.

D. Family reunification

103. Article 32 of the Charter guarantees the protection of family and parenthood and special protection of children and adolescents.

104. Freedom of movement and residence is guaranteed by Article 14, paragraph 2, of the Charter, which stipulates that "... everybody who is legitimately staying on the territory of the Czech Republic has the freedom to leave it". Article 14, paragraph 4, guarantees "... the right of every citizen to a free entry on the territory of the Czech Republic". Personal contacts between the child and his/her parents are not restricted in any way.

105. In compliance with the Act on Nationality, the reunification of families is also considered in the process of granting Czech nationality. If one of the spouses is a Czech citizen, the condition of a five-year uninterrupted residence in the territory of the Czech Republic of the other spouse may be waived, if she/he is permanently residing here. In practice, this provision is widely used for the reunification of families.

E. Recovery of maintenance for the child

106. The duty of parents to provide for the child is embodied in section 85, paragraph 2, of the Family Act. The duty applies until the child is able to provide for himself. If the child is preparing for his future vocation, the duty applies to the entire period of preparation. If this period is interrupted by employment, and then the studies are resumed, the judicial practice allows the renewal of the alimentation duty, thereby giving precedence to the upgrading of the child's qualification.

F. Children deprived of a family environment

107. Nursing and children's homes. The Ministry of Health and the Ministry of Labour and Social Affairs guarantee the level of alternative care for children aged up to three years. In 1994 it was provided in 12 nursing homes (with 717 beds), and 31 children's homes for children up to 3 years old (with 1,549 beds). In certain cases older children may remain in these homes. Despite all efforts of the institutions involved, children of Roma/Gypsy origin and severely disabled children as well as children with educational and developmental problems stay a very long time in children's homes.

108. Nurseries. Another facility providing care for children between 1 and 3 years of age is a nursery. The capacity of nurseries is not fully used and during 1994 the number of nurseries decreased by 7.5 per cent. As at 31 December 1994, there were 235 nurseries able to accommodate 8,565 children.

109. "Stationaries". These facilities provide professional medical care, rehabilitation and education to mentally and physically disabled children, for the benefit of the children and parents alike. The children receive necessary care and parents may work on a full-time basis, while the family can maintain close contacts. In 1994, there were 62 child "stationaries" with a capacity of 1,744 places in the Czech Republic.

110. Special care institutions. These include the SOS villages, foster homes, boarding-houses at special schools for handicapped children and youth. Special classes and schools for mentally and physically disabled children who cannot be integrated with normal children are being established.

111. The present trend is to analyse the situation in social care institutions and gradually rebuild the existing system with the emphasis on family-type coexistence, better equipment, increase in the number of personnel and upgrading their qualifications. Sports meetings and competitions for physically and mentally handicapped children and youth, in which handicapped children and youth participate together with healthy children, are organized. Such activities should be strongly encouraged and promoted in the future.

112. Alternative family care. Alternative care includes placement of a child in the custody of a person other than a parent, foster care, adoption and institutional care.

113. Foster care is governed by a separate Act on Foster Care, while other forms of alternative care are governed by the Family Act and implementing regulations. A court decides on all forms of alternative care.

114. Child in the custody of other person than parent. The reasons for placement of a child in the custody of a person other than a parent can be either subjective, i.e. caused by deficiencies in the care for the child in his/her own family, or objective, i.e. brought about by circumstances independent of the parents' behaviour (such as illness, death, minor age of parents, etc.). The child is placed in the custody of a person other than a parent if neither parent can take proper care of the child and the placement is in the child's best interests. This alternative form is used to solve more or less short-term situations.

115. Guardianship. A court assigns a legal guardian to a child both of whose parents have died, or were deprived of parental rights, or do not have full legal competence. The rights and duties ensuing from a guardianship include particularly the upbringing of the minor, his legal representation and administration of his property.

116. Foster care. Foster care is meant for children whose parents do not take proper care of them and the causes are of a long-term nature. A foster-parent is obliged to take care of the child personally, and acquires the rights and assumes the duties of a parent. He has a right to represent the child and administer his affairs only in ordinary matters. Five thousand children are being brought up in foster families, while about 300 applications for foster care are permanently registered.

117. A child in foster care is entitled to a financial contribution to cover his/her needs, child allowances, State contribution (for maintenance). A foster-parent can also deduct a certain amount from his/her taxable income and is entitled to a monthly remuneration for the exercise of foster care. A court decides on the duty of parents to pay maintenance (alimony), which is then remitted to the appropriate administrative authority which pays out the remuneration and contribution to the child's needs.

118. A child is placed in foster care on the basis of a court's decision. Foster care is terminated by the child's maturity, death of the child or foster-parent. Joint foster care of parents is terminated by a divorce or the death of one of the spouses. Foster care can also be cancelled for serious reasons, but only by a court's decision.

119. Before a court decides on the placement of a child in foster care, an administrative authority can place him/her temporarily in the care of a citizen who would like to become a foster-parent and meets the conditions set by law. In this period, foster-parent and child are also entitled to receive State benefits appurtenant to foster care.

120. Foster care can also be carried out in special foster facilities. About 400 children live in 90 of them in the Czech Republic. Married couples usually take care of children in such facilities.

121. SOS villages are special facilities providing foster care. Children in 2 SOS villages in the Czech Republic live in 21 families, in which care is provided solely by women.

122. Ninety per cent of the operational costs of special facilities are covered by the State. The State also bears the costs of repair, maintenance and equipment. Foster care costs amount to almost CK 130 million, of which the parents of children placed in foster care compensate only about CK 10 million.

123. Adoption. Adoption, governed by the Family Act, is the best form of alternative care. Adoption is possible in the case of children whose parents give consent to the adoption. In certain cases specified by law the parents' consent is not required. There are two forms of adoption: revocable and irrevocable. A court may decide on an irrevocable adoption only in cases of

children older than one year. A revocable adoption may be revoked by a court for serious reasons, on the basis of a suggestion of the adoptive child or adoptive parent. Before a court decides on the adoption, the future adoptive parent has to take care of the child, at his expense. A decision on this measure is made by the institution (which takes care of the child) in agreement with the competent administrative authority. However, a court decides on children placed in the institution on the basis of a court's decision.

124. The Family Act does not govern intercountry adoption. It is, however, embodied in the Act on International Private and Procedural Law, particularly the aspect of procedural acts taken by courts and their authority. At present, succession to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993 is being prepared. This will reinforce legal protection of children.

125. The number of applications for adoption demonstrates that many people are interested in adopting a child, while the number of children for adoption is declining. Many applicants erroneously think that there are children in the Czech Republic in whom no one is interested. In 1993, the number of applications for adoption decreased for the first time in a decade. It may have been caused by the fact that the applicants seriously consider their financial situation and their possibilities to rear a child in the new market society.

126. In isolated cases, intercountry adoption of Czech children is necessary and suitable, particularly where suitable adoptive parents cannot be found for a long time in the Czech Republic (from 1990 to 1992, 14 intercountry adoptions took place).

127. Institutional care. Institutional care is listed in the Family Act as the most serious educational measure and a form of alternative care. In decisions on a substitute form of care, individual care always takes precedence over institutional care, if it is in the child's best interests. Therefore, the courts resort to orders on institutional care particularly in those cases where another, more suitable family-type care is not possible.

128. System of school facilities. Act No. 76/1978 Coll. on school facilities, in the wording of later regulations, is the basis for creation of an interconnected system of school facilities for institutional care ordered by a court in compliance with section 45 of the Family Act or protective custody ordered by a court in compliance with sections 84-86 of the Penal Code to minors aged between 3 and 18 years, or older if necessary.

129. Diagnostic institutes. Comprehensive psychological and pedagogical examinations of minors taken away from families are carried out in various diagnostic institutes: in child diagnostic institutes (for children from 3 years of age until the completion of compulsory school attendance) and youth diagnostic institutes (for adolescents who have completed compulsory school attendance until the age of 18, or 19 if their institutional or protective custody was extended by a court). They also provide provisional care to minors detained on the run from legal guardians or institutions responsible for their education.

130. Children's homes. Children's homes take care of minors, aged between 3 and 18 years or until their vocational education is completed, who cannot for serious reasons be brought up in their own families and could neither be adopted nor placed in another facility providing alternative care. Individual homes care for children of both sexes of various age, divided into educational groups of a maximum of 15 persons. Family-type child institutions with groups of 8 to 10 children are established for minors without prospects of adoption or foster care or return to their original family, with the aim of creating a homelike environment and solid base for minors and their future smooth integration in the society.

131. Juvenile institutions (reformatories). These institutions are reserved for minors with educational problems. They focus their efforts on resocialization of such minors, their vocational education and preparation for independent life. The institutions vary according to age, sex, educational difficulty level and mental capacity of the minors, which are usually divided in groups of 8 to 15.

132. The system of school facilities also creates conditions for the care of minor mothers and their children stressing the importance of emotional contacts between the mother and her child.

133. Preventive care centres. These centres engage in timely prevention of negative signs in children and adolescents and provide professional consultancy or therapeutic services to minors with educational problems and their parents. The centres usually also feature a boarding facility designed for voluntary short-term stays of minors, based on the application filed by their natural or legal guardians. Such voluntary stays can also be realized in foster homes, juvenile institutions or diagnostic institutes, if they are not filled with minors placed on the basis of a court's decision. There are efforts to establish such centres particularly in large cities where juvenile offenders have a higher share in the overall crime rate.

134. Conceptual legislation and new laws under preparation in this area strive for more distinctly individual care for minors, using psychological and psychotherapeutic methods to a larger extent. In order to enrich the alternative forms and methods of work with children deprived of their family environment, the State also supports the establishment of private and church facilities.

G. Adoption

135. See paragraphs 69 and 70 above.

H. Illicit transfer and non-return

136. The illegal export of children to another country is punished in the Penal Code. In its section 233, it is qualified as deportation to a foreign country, traffic in women under section 246, procuration under section 204, traffic in children under section 216a and kidnapping under section 216.

137. The European Convention on Mutual Assistance in Criminal Matters and other conventions of the Council of Europe concerning the area of crime

are part of the Czech legal system. The Convention was published under No. 550/1992 Coll. In addition to this, many bilateral agreements on mutual assistance in crime-related matters exist.

138. Apart from the opportunity to cooperate in criminal matters with foreign States, the Czech Republic uses efficiently the possibility to cooperate with other police forces, particularly within Interpol, of which it is a member. The option of bilateral cooperation with other States in police work is also used.

I. Abuse and neglect, including physical and mental recovery and social reintegration

139. Article 7 of the Charter guarantees the inviolability of the person and prohibits cruel, inhuman or degrading treatment. Protection of children is also embodied in the Family Act and social care regulations, the Civil Code, the Penal Code and the Penal Procedure Code. Based on a recommendation of the Council of Europe, the Czech Republic began monitoring abused and maltreated children on an experimental basis. The results of periodic monitoring have been included in yearly statistics. Such acts are punished in accordance with the Penal Code and under its section 204 are qualified as the crime of procuration, under section 212 as desertion of the child, under section 213 as neglect of the nurturing duty, under section 215 as torture of a person in custody, under section 216 as kidnapping and under section 216a as traffic in children.

140. Protection, treatment and reformation of affected children are secured by other legal measures and material resources. The practice requires an efficient interdepartmental cooperation of the Ministry of the Interior with the Ministry of Health, Ministry of Education, Youth and Sports and Ministry of Labour and Social Affairs. Joint actions with judicial authorities, police and the Office of the State Attorney are a necessity. Cooperation with civil, religious or charity associations, societies and clubs is also very significant.

141. Commission for the Protection of Tortured, Neglected and Abused Children. This Commission works at the Ministry of Health. Its aim is to solve topical problems in this area. Its main tasks include:

(a) To assist in the prevention, diagnosis and treatment of tortured, neglected and abused children;

(b) To inform the public of the existence of this syndrome in the Czech Republic;

(c) To coordinate the work of individual sectors in this area;

(d) To prepare drafts of legislation for the solution of problems of tortured, neglected and abused children, for example amendments to the Penal Code, the Health Act, the Family Act and the Act on Welfare and Legal Protection of Children.

142. All sectors in charge of family and child issues have their representatives in the Commission. Experts of the Institute for Criminology and Social Prevention and others engaging in these issues are also involved. The group cooperates with non-governmental organizations, such as the Fund of Children in Danger, "Our Child" Foundation, the Czech Society for the Protection of Children.

143. The programme of social prevention and prevention of crime has been implemented since 1994. Its aim is to express the attitude of the State to socially pathological phenomena which by their occurrence and spread endanger the society. The core of the programme lies in social work with the family, children and youth. This should prevent, subdue and gain control over socially pathological phenomena, and create favourable conditions for the establishment of well-functioning relations between citizens.

144. An amendment to the Penal Code, in effect since 1 January 1994 and aimed at increasing the protection of children, now stipulates that failure to thwart the torture of a person in custody is also qualified as a criminal act. The said amendment includes specification of a new crime: administering of anabolic drugs to minors.

145. An internal decree required medical personnel to report to the authorities involved in family and child care any suspicion of physical or sexual abuse, or other maltreatment posing a serious threat to the child's health. In compliance with the requirement that duties may be stipulated exclusively by a law, this decree was cancelled and an analogous duty has been incorporated in the prepared draft.

146. Child crisis centres. Child crisis centres operating in several locations in the Czech Republic offer emergency professional assistance and care to jeopardized children, particularly to tortured and abused children. The child crisis centre in Prague is one such centre. The facility was established at the end of 1992 and now serves children, parents and professionals from the health, education and social care sectors. The staff of the centre is able to solve the most difficult situations of children.

147. Cooperation with non-governmental organizations. Cooperation with non-governmental organizations successfully developing in the area of protection against neglect, abuse and torture results in a better quality and more intensive care for jeopardized children. This involves not only big non-State entities, but also small entities, on a republican, regional or local level. Non-State entities inform State authorities of the deficiencies and problems in social and legal protection of children and youth, draw attention to specific cases of neglected, tortured or abused children and complement the range of services offered to those children. The forms of such cooperation are very diverse, ranging from education and public enlightenment, legislative initiatives and prevention programmes to concrete forms of care for jeopardized children.

148. At the beginning of 1990, Act No. 83/1990 Coll. on the association of citizens entered into effect which accelerated the self-help movement of the handicapped. The number of associations of handicapped people which present their own self-help activities is growing, as well as the number of civic

associations of parents and friends of handicapped children. The range is complemented by humanitarian organizations linked usually to churches. From the beginning, active involvement of associations of parents of handicapped children has enjoyed State support and was enabled by State subsidies in the form of material and professional assistance.

149. Non-State entities greatly contribute to the social and legal protection of children and youth by associating citizens well versed in the theory and practice of individual issues which upgrade the quality of the care for children. This includes: SOS Association of Children's Villages, Fund of Jeopardized Children, Society for Social Paediatry of the J.E. Purkyně Czech Medical Society, Association of Family Counsellors, Association for the Protection of Jeopardized Children, White Ring of Safety and others. Central authorities support the non-State entities active in the area of social and legal protection and care for delinquent juveniles by substantial subsidies.

J. Periodic review of placement

150. In cooperation with local councils, the competent authorities work to improve the conditions in the families of children placed in institutional care or protective custody, and monitor mainly:

(a) The possibility to return these children to their families;

(b) The development of children after the termination of institutional care or protective custody;

(c) Physical and mental development of children placed in the custody of a person other than parents.

151. They therefore visit at least once in six months the family in which the child lives, and, if necessary, provide or secure adequate help. In the case of children reared in foster families, the appropriate authority supervises the foster care and checks whether it serves its purpose.

152. The situation is different in the case of an adoption based on a court's decision, which results in the development of a very close relationship between the adoptive parent and the adoptive child. No legislation stipulates the obligation to review such relationships, except when problems arise in the new family.

153. Alternative care - statistical data:

Number of children in the care of persons other than parents

Year	1985	1990	1991	1992	1993	1994
Number	684	715	771	550	91	872

Number of children in foster care

Year	1985	1990	1991	1992	1993	1994
Number	780	771	744	766	656	391

Number of children in the care of prospective adoptive parents

Year	1985	1990	1991	1992	1993	1994
Number	597	499	530	460	463	543

Number of children in institutional care
(Ministry of Labour and Social Affairs)

Year	1985	1990	1991	1992	1993
Number	2 484	1 835	1 871	1 802	2 022

Number of applicants for foster care

Year	1985	1990	1991	1992	1993	1994
Number	311	482	501	484	453	387

Number of applicants for adoption

Year	1985	1990	1991	1992	1993	1994
Number	2 407	2 352	2 245	2 254	1 862	1 990

Number of children in institutions

Type of institution	Number of institutions	Number of children		
		of preschool age	of school age	having finished obligatory schooling
Children's homes	104	343	2 215	735
Children's reformatories	18	20	446	183
Children and youth reformatories	10	0	174	256
Youth reformatories	16	0	103	715
Children's diagnostic institution	8	20	298	55
Youth diagnostic institution	4	0	6	186
Special schools	132			

VI. BASIC HEALTH AND WELFARE

A. Survival and development

154. In 1993, there were 2,742,599 children and adolescents aged between 0 and 18 years in the Czech Republic; 121,613 babies were born (alive), 7,002 babies with low birth weight (less than 2.5 kg) were born and the natural rise in population was 0.3 per 1,000 inhabitants.

155. Despite a high level of health care, the health condition of the Czech child population is not satisfactory for a number of reasons: polluted environment, particularly in regions with high concentration of industry (inhabited by about half of the population) unhealthy lifestyle, system of life values.

156. Allergies are the most frequent civilization child diseases. In 1994, 17,734 children and adolescents suffering from asthma bronchialis, one of the most serious allergies, were systematically monitored. It has been noted that this disease affects ever younger age categories, particularly school-age children. Other serious diseases are on the rise, especially nervous system disorders, mental retardation, defective children's behaviour, as well as innate developmental defects. Prenatal and perinatal CNS disorders are markedly higher in North Bohemia and North Moravia - the most industrial parts of the Czech Republic. Large differences in perinatal and infant mortality rates between regions are also linked to varying ecological, social and demographic environments. Comprehensive care in the Czech Republic is provided to 436,139 children and adolescents, of whom 172,229 are registered as chronically ill.

B. Disabled children

157. The attitude of society to the education of disabled children went through several stages from complete refusal, a long period of segregation in special educational facilities often of an institutional character, up to the integration with healthy children/adolescents of the same age. Radical change in the philosophy affecting the legislation, organization and financing of this area brought a new approach to disabled children and citizens. It is based on the principle of coeducation with healthy children/adolescents of the same age in normal schools, whenever possible. Children for whom such education is not suitable are educated in special schools.

158. Fundamental changes leading to the liberalization of special school facilities were carried out in 1990. They were followed by numerous amendments and additions. New objectives set in the area of comprehensive care for disabled children, youth and adults are, however, of a long-term character and require close cooperation with other sectors, institutions and organizations. The Ministry of Education, Youth and Sports has prepared, in cooperation with the Charles University Pedagogical Faculty, the Pedagogical Research Institute, special schools and civic movements, a draft of conceptional plans for special education. It is based on the right of the parents of disabled children to decide, in accordance with international

agreements, on the manner of education of their child. Legislative and organizational conditions for the integration of disabled children were also created.

159. Integrated education. In accordance with Act No. 564/1990 Coll. on State administration and self-administration of schools ("the School Act"), the Ministry of Education, Youth and Sports has stipulated the procedure of the integration of disabled children in preschool and school facilities. Integrated education may take various forms, beginning from preschool age: disabled children may spend a certain time in normal preschool and school facilities. This requires the adjustment of school plans, curricula and textbooks, equipment of schools with modern compensational teaching aids and educational technology, adoption in the teaching process of special teaching methods, forms and regime of work complying with the European trends.

160. Special classes. A system of special and specialized classes in normal elementary schools allows contact of disabled children with children of the same age, allows them to get to know each other in a natural setting, grow respect for each other, accept and help each other. It is a connecting link between special and normal schools. All forms guarantee (allow) permeability and continuity. They require high quality, professional diagnosis, or if necessary, placement of the child in a specific facility for two to six months for diagnostic purposes.

161. Other new significant measures include a very liberal approach to the beginning of compulsory school attendance for children with a physical handicap, based on the assessment of their maturity. The same applies to the termination of school, attained only upon completion of elementary education. For the same reason, i.e. to adapt the compulsory school attendance to the specific mental condition of the disabled child, the School Act has stipulated the extension of the auxiliary school from the existing 8 to 10 years. With respect to the necessity of gradual compensation for the handicapped, studies in special elementary schools were extended to 10 years and studies in special secondary schools by 2 years. School facilities also have an obligation to provide a student whose health does not allow him to attend school with such forms of education as would enable him to attain the same education as if he attended school. The fact that the 1990 amendment to the School Act guarantees the deaf and blind the right to education in their language (sign language or Braille) is of particular importance.

162. The above-cited legislation enabled new positive achievements, out of which deserve emphasis:

(a) Diagnostic stays of disabled children in special schools, whose permanent placement in such schools is not clear;

(b) Establishment of schools and classes for disabled children and pupils with multiple defects (newly established schools allow such children to attend school; in the past, these children were often branded as unfit for education);

(c) The possibility to establish special private and church schools;

(d) The increased authority of school headmasters in the placement of children and pupils in classes;

(e) The respect for the right of parents of the disabled children to decide on their education (in special or normal schools);

(f) Preferential enrolment of disabled pupils in secondary schools ahead of applicants who had equivalent results in the entry exams;

(g) Excusing pupils of elementary and secondary schools from certain compulsory subjects or physical activities (on the basis of a recommendation by a physician).

163. Special pedagogical centres. Clear principles for diagnosis of the disabled were set and institutions entitled to carry out this professionally demanding activity selected in the interest of the disabled children. Successful integration is conditioned by the establishment of a sufficiently dense network of special pedagogical centres.

164. At variance with the wide range of services provided to children and youth at pedagogical and psychological counselling clinics, special pedagogical centres serve children with one type of handicap. The cornerstone of their activities is regular and long-term treatment of the children (as out-patients) in the presence of parents, or directly in the child's family.

165. A specialist teacher with experience in teaching preschool children attends to children of this age group in pedagogical centres. She/he also encourages the development of healthy senses, so-called compensation. She/he also provides special pedagogical diagnosis, expert and methodical guidelines for parents, counselling on suitable compensational teaching aids, sign language, etc. Due to specialized activities which require experienced specialists, appropriate compensational technology and teaching aids, which are owned by the school, special diagnostic centres are established at special schools. This is governed by section 45 of the School Act and section 5 of the Ministry of Education, Youth and Sports Decree No. 399/1991 Coll. on special schools and special kindergartens. These regulations also set the objectives and tasks of special pedagogical centres. A network of special pedagogical centres providing care for disabled children and pupils not placed in special kindergartens (in families, integrated kindergartens and elementary schools) was also built. Specialized pedagogical care is provided to children in integrated facilities by "visiting teachers" from special pedagogical centres. This practice has just been introduced and its expansion will depend to a great extent on the economic possibilities of the school sector.

166. Another effective method is including one special teacher in the teaching staff of ordinary kindergartens and elementary schools. The age limit for the enrolment of pupils was cancelled at all types of secondary and special secondary schools, and vocational training facilities. This gives the disabled who underwent many years of treatment a chance to gain secondary education.

167. Mentally disabled children. Trends towards integration are apparent also in the care for mentally disabled children, and bring particularly the

establishment of classes for mentally disabled in elementary schools and auxiliary classes at special schools. The pupils are educated by a natural integrational method together with other children of the same age without a necessity of separate education in a boarding-type school.

168. Special classes for mentally disabled children freed from compulsory school attendance and placed in social care institutions, who are able to acquire at least some fragments of knowledge, are being established at these institutions.

169. The trend towards integration includes also solution of the regulation of the school reporting and setting of principles of the financial security of integrated disabled children. A significant economic instrument which has enabled the process of integration to progress is a system of spending limits and bonuses paid for disabled children, introduced in 1992/93. Spending limits per pupil match the average costs connected with the care for one pupil. Higher costs of education of disabled pupils are balanced by the above-mentioned bonuses, which are differentiated according to the specific type of handicap.

170. In practice, this means accepting the requirement that the State should offer each child the same opportunity to gain education. If a particular disabled pupil attends a normal school for healthy children, the bonus goes to the school. This approach should motivate normal schools to create special conditions for the integrated education of disabled children: provide special textbooks and teaching aids, or rent them at special schools. Part of the bonus for handicap is meant to pay for salaries of teachers, which should enable the school to reduce the number of pupils in the class with the integrated child, or a part-time teacher of some special subject or skill, for example reading Braille, typing at special typing machines, space orientation, etc.

171. In the 1993 budget, the total bonuses for handicap for all children in this group was about CK 900 million. The network of special schools, including church and private schools, was changed and extended, particularly in favour of schools for children with multiple defects. Special schools were equipped with compensational aids and special textbooks.

C. Health and health services

172. Basic health care for children and youth is provided by paediatricians in out-patient health facilities. This comprehensive care is based on primary care consisting of two component parts - preventive care and treatment. The extent and quality of primary care is governed by legal regulations and specified in the Medical Code. It particularly includes preventive care with all its attributes, all screening examinations, inoculations, education of children and their parents on health issues and targeted preventive care. Targeted preventive care focuses on individuals jeopardized by the incidence of or worsening of an illness with the aim to prevent its chronic stage or resulting defects in cases where the medicine cannot prevent the progress of the disease. This activity is not exclusively oriented at fighting a specific

disease or defect, but at comprehensive development of a mature individual with the aim to achieve harmony in adult life and enable full working activity and optimal inclusion in a society.

173. In 1994, paediatricians examined or treated 20,793,737 patients: 16,874,394 of the treatments were therapeutic and 3,919,347 preventive. On the average, a 0 to 19-year-old person underwent 1.5 preventive examinations and 6.5 therapeutic treatments.

174. A total of 3,385 paediatricians worked in Czech health facilities, including hospital wards, specialized child clinics and sanatoriums, in 1994. There are 9,194 beds in hospital wards for children, including infants, in the Czech Republic. Separate infant wards have 712 beds.

175. Twenty-one sanatoriums with 1,422 beds, i.e. health facilities in ecologically clean locations with a suitable climate, serve for therapy and convalescence of children and provide comprehensive therapeutic care: rehabilitation, physiotherapy and balneological treatment.

D. Social security and child-care services and facilities

176. Under the health insurance scheme families with dependent children receive: child allowances and benefit for a permanently severely disabled child requiring extraordinary care and not permanently placed in a welfare institution ("disablement money"), and also support at childbirth (a lump sum). Under the pension insurance scheme children are entitled to: child allowance and benefit for a permanently severely disabled child requiring extraordinary care and not permanently placed in a welfare institution, orphan's annuity or, as the case may be, support at childbirth. If one of the parents is doing regular military service, then the child is entitled to a maintenance benefit. A parent who provides full-time care for a child aged less than three years is entitled to a State "balance" benefit, which is granted if the net income of the family is lower than double the minimum official subsistence. In addition to these benefits, foster parents taking care of children in foster care are entitled to compensation for the child's needs and remuneration for foster care.

177. In families with dependent children whose income is lower than the official minimum subsistence level and the family cannot increase it for serious reasons by their own efforts, welfare benefits are provided up to the amount of the minimum subsistence level, or to the amount of real necessary costs of nutrition and other basic personal needs and necessary household costs.

178. Under the welfare system, the State also provides both financial assistance and various social services to severely handicapped children. Care for the most severely handicapped children and youth is provided in welfare institutes, where the children are taught to use the remaining physical and mental potential to their best in order to achieve self-realization, acquire adequate education and vocational training and prepare for life. This concerns children whose family cannot provide them with the proper care they need and an environment in which all their needs would be adequately satisfied.

179. Institutional social care. Institutional social care is governed by several laws, of which the Act No. 100/1988 Coll. on social security, in the wording of later regulations, is the key legislative norm. It contains basic categories of institutional social care for children and youth. Section 87 of this Act stipulates that "children and youth with severe physical handicap, or with physical handicap in combination with another handicap preventing or impeding their upbringing, education or vocational training, are provided with accommodation, board, personal things, health care, rehabilitation, cultural and recreational care, education and vocational training, in social institutions designed for this purpose". The same section further states that "children and youth with severe mental handicap are provided with accommodation, board, personal things, health care, rehabilitation, education oriented also at working activities and cultural and recreational care, in social institutions designed for this purpose", and that "in compliance with paragraphs 1 to 3 institutional care is provided either all year round, or in the form of weekly or daily stays, or, as the case may be, as a temporary stay".

180. The implementing regulation to Act No. 182/1991 Coll. on social security, in the wording of later regulations, describes in more detail individual types of social institutions for children and youth: "the following social establishments provide institutional care: (a) institutes for physically handicapped youth; (b) institutes for physically handicapped youth with mental handicaps; (c) institutes for physically handicapped youth with multiple defects; (d) institutes for mentally handicapped youth".

181. Institutes for physically handicapped youth. These institutes are meant for children and youth aged from three years until the termination of compulsory school attendance, and if necessary, during their preparation for future employment. This concerns children whose severe physical handicap either prevents or substantially impedes normal upbringing, education and preparation for employment. Where possible, the institute can admit also children and youth with less severe permanent physical handicap, if proper rehabilitation cannot be ensured in their home. These institutes also provide institutional care or protective custody to physically handicapped minors.

182. Institutes for physically handicapped youth with mental handicap. These institutes are meant for children and youth with a physical and less severe mental handicap aged from three years until the termination of compulsory school attendance, and, if they prepare for future employment, then until such preparation is completed. These institutes also provide institutional care or protective custody to mentally handicapped minors.

183. Institutes for mentally handicapped youth do not admit children and youth whose retarded mental development is a consequence of educational neglect, or whose acute displays of psychic disorders are dangerous for the environment.

184. Diagnostic departments in institutes for mentally handicapped youth, or an institute for mentally handicapped youth (specially designed for diagnostic purposes) are established with the aim to provide special educational, psychological, medical and social diagnosis. Such departments or institutes admit handicapped children and youth before their placement in institutes.

185. Care provided in youth institutes. The institutes for physically handicapped and for physically handicapped with a mental handicap prepare minors for life and provide:

(a) Preschool education for children aged between three and six years in kindergartens at the institute;

(b) School education in schools at or outside the institute;

(c) Extracurricular and work training in groups organized according to age and abilities of children;

(d) Vocational training in secondary schools and colleges, vocational apprentice schools, practical education centres or training centres at or outside the institute.

186. No later than six months before the expected completion of vocational training (preparation for employment) at secondary schools, vocational apprentice schools or practical education centres the Institute shall notify the appropriate employment agency (according to permanent residence of the child/youth) to find him/her a suitable job in due time.

187. The development of welfare (social) institutes:

Youth social institutes	Year					
	1985	1989	1990	1991	1992	1993
Number	123	131	133	143	141	161
Places	11 505	11 854	11 758	10 758	10 818	11 924
Including: for physically handicapped youth						
Number	3	4	5	5	5	
Places	825	1 065	1 081	1 127	1 151	
for physically and mentally educable youth						
Number	1	-	1	5	8	
Places	280	25	70	146	232	
for mentally handicapped uneducable youth						
Number	98	127	127	133	-	
Places	9 698	10 764	10 607	10 486	-	
institutes for daily stay mentally ha dicapped						
Number	21	22	25	25	24	
Places	702	848	890	908	987	

188. Institutes for physically handicapped youth with multiple defects train their wards to perform simple tasks adequate to their health condition. Institutes for mentally handicapped youth provide education and training adequate to their wards' abilities. Mentally handicapped youth aged less than 16 years are usually educated in groups organized according to their mental abilities and also their physical maturity. Work in educational groups of youth aged more than 16 years (maximum 15 young people) is governed by a necessity to provide them with proper education. A maximum of 10 individuals can be placed in educational groups at diagnostic departments providing protective custody.

189. Parents, or other liable persons (guardian), pay only for provided meals of the total of stay-related costs. This amount can be reduced, or is not requested, if the family income would drop under the minimum subsistence level stipulated by a special law.

190. At present, 161 welfare institutes care for 11,924 children in the Czech Republic. Despite this, 720 applicants for placement in a welfare institute have not been satisfied.

191. The majority of the welfare institutes are administered and managed by the State. The State monopoly over institutional care lasted until 1990, when an amendment to Act No. 100/1988 enabled the entry of non-State entities which are now beginning to gain ground. The State is represented by district councils which administer more than one half of these institutes. Other State entities in charge include also the Czech Ministry of Labour and Social Affairs, which now administers 11 welfare institutes, placed under its authority since 1 January 1991 as a result of cancellation of former national regional councils. The second largest operator of such institutes, next to the State, are towns and communities; the remaining number is operated by various non-State entities, such as civic associations, churches, humanitarian institutions and movements, etc.

E. Standard of living

192. In deciding on the amount of maintenance, a court will consider, in compliance with section 96 of the Family Act, justified needs of the child, i.e. the entitled person, and the abilities and possibilities of parents, i.e. liable person. The court shall also consider the abilities and possibilities of the liable person if she/he gives up without an important reason a more profitable job or some material benefit. This provision reinforces the principle that parents have a duty to do their best to provide for their children and secure their best physical and mental development.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational schools and guidance

193. Article 33 of the Charter stipulates that "Everybody has the right to education. School attendance is compulsory for a period specified by law. Citizens have the right to free education at elementary and secondary schools, and, depending on the citizen's ability and the potential of society, also at university level schools. Other than State schools may be established and

instruction provided there only under conditions set by law; education at such schools may be provided for tuition. The conditions under which citizens are entitled to assistance from the State during their studies are set by law." Education provided at elementary and secondary schools is governed by Act No. 29/1984 Coll. on school establishments, in the wording of later amendments and additions and related decrees, for example Ministry of Education, Youth and Sports Decree No. 291/1991 Coll. on elementary schools and Decree No. 225/1993 Coll. on secondary schools.

194. Free elementary and secondary education is provided to children in a network of schools established by State administration and self-administration of towns and communities. The system of schools in the Czech Republic comprises several distinct types of schools offering different levels of education.

195. Kindergartens or special kindergartens complement family education, assist in the socialization of the child and help balance the differences ensuing from the child's varying cultural and social family background. Preschool education is usually for children aged between 3 and 6. The parents decide on the attendance, which is not compulsory.

196. Elementary schools or special elementary schools and secondary schools form the basis of general education of citizens. The process of elementary education usually begins at the age of 6 and lasts nine years, i.e. for the period of compulsory school attendance. The last four years of this period may also be completed in an eight-year grammar school/high school. This eliminates most of the reasons for premature selection of pupils, resulting in unfavourable social and educational consequences, while the differing educational needs of individual pupils/students are fully respected. The State will therefore support the idea of the longest possible education of the majority of children in elementary schools.

197. Secondary schools provide knowledge and skills necessary for future vocations and studies. Secondary education usually starts at 15 years of age and, depending on the type, lasts one to five years. It is provided in a wide range of schools divided according to the aim, content and field of studies. Special secondary schools provide education to students with various health defects.

198. Vocational schools provide specialized professional education and training. The minimum duration is two years, studies usually last three to four years and are terminated by a graduation.

199. University institutions give students a chance to complete college or university education and acquire a degree. In addition to traditional colleges and universities, a higher learning institute, providing practical vocational education, now exists.

200. The school system also includes other types of schools (such as ele entary art schools or language schools) and school facilities (counselling offices, special institutes, leisure facilities, student residential facilities and school canteens). They support and complement the work of schools and have a significant educational function (e.g. facilities for

upgrading of teachers professional qualifications and servicing of schools), although they do not lead to a degree. A corresponding ethnic school system serves the needs of ethnic minorities.

201. Handicapped pupils/students have an option either to attend special schools or to be integrated in normal schools. This is decided on an individual basis, according to the type and degree of the handicap, and in case of integration, in compliance with the requirements of the school.

202. Educational work and guidance, as one of the social services, is governed both by the school and social care regulations. It is secured by local and district councils, school educationalists and pedagogic psychological centres established by school authorities. These provide information and suggest feasible solutions of certain situations, particularly in matters concerning education and nurturing, family and social issues, care for disabled children, etc. and also organize lectures and workshops.

203. Educationalists and school psychologists provide first-contact guidance on pedagogic and psychological matters at schools. They advise pupils/students, their parents and teachers and help them solve educational and learning problems. They also provide preventive care aimed at development disorders and advise children on choice of a career, etc.

204. District councils also provide education and counselling on family, marriage, partner and human relations in general through a system of marriage and family advisory offices, which are established in each district, in larger towns they have detached offices.

B. Aims of education

205. The general aims of education match the qualities of people/students which should be a target of general education. The first and most important steps leading to them are made in elementary schools.

206. The general aims of education (of an individual) include:

(a) The ability to coexist in harmony with other people;

(b) The ability to express oneself clearly and communicate efficiently;

(c) Reliability;

(d) Efforts to work efficiently and in good quality;

(e) Creative thinking, understanding of terms (concepts), effective work with information and its effective use in problem solving;

(f) Efforts for further personal development, capacity for independent learning and the need to upgrade one's qualifications;

(g) The ability to be guided in his/her behaviour by moral principles and standard social norms;

(h) Balanced, self-assured and self-critical individual striving for healthy lifestyle;

(i) Sensitive apprehension and experiencing;

(j) The ability to think of consequences and bear one's share of responsibility for the future.

207. The general aims of education are formulated to give the authors of educational programmes a chance to describe in detail a number of vital attitudes, skills and knowledge, and create opportunities enabling the school together with the pupil/student to achieve these aims. School education should prepare the child for an active adult life in a free society and emphasize his responsibility for his own life, respect for his/her parents, his/her identity, language and cultural values as well as for the culture and values of others. Educational aims are detailed in general terms in school curricula.

208. In the framework of the concept of civics, the Czech Republic participates in projects of education in the humanities and democracy in cooperation with a Dutch Catholic Centre, Danish Nr. Nissm Pedagogical Faculty and the Education to Citizenship and Europeanism PHARE project.

C. Leisure, recreation and cultural activities

209. Suitable leisure activities are the best prevention of socially abnormal behaviour and encourage the child's further mental and physical development. On the basis of Act No. 76/1978 Coll. sport, cultural and school facilities are built to give children and youth an opportunity to spend their free time. These include after-school care facilities, kindergartens, school clubs, youth homes and leisure centres for children and youth.

210. In its resolution No. 66/1991, the Czech Government approved the programme of support and protection of youth, detailing the provisions concerning leisure of children and youth. Under this programme, financial means are granted for various activities and to certain preferential areas, such as integration of handicapped children, prevention of socially abnormal phenomena, club activities, etc. In conformity with Act No. 83/1990 Coll. on the association of citizens, the above-mentioned programme also supports participation of children and youth in civic associations. About 400 civic children and youth associations now associate approximately 250,000 to 300,000 children in the Czech Republic.

211. Between 1993 and 1994 the Czech Ministry of Culture declared public competitions in support of cultural free time activities aimed at various age, social and professional groups, including children. These are in line with areas listed in the Convention on the Rights of the Child.

212. This, for example, includes competitions opened by the Department of Regional and National Culture, namely a competition for amateur art projects aimed at the development of cultural life in communities and regions and aesthetic creativity. Other competitions were oriented at cultural activities for handicapped citizens, at the development and preservation of the culture

of ethnic groups living in the Czech Republic, at projects for the development of amateur educational and non-art activities for free time, at the subject of ethics - aiming particularly at children and youth, preparation for partnership and family life, prevention of alcohol and drug abuse, smoking, AIDS, gambling, and activities for risk groups of children and youth.

213. Museums and galleries, and also other cultural facilities, continue in their work with children, which is an important part of their educational mission and one of their main activities.

214. By organizing national or State literary, theatre, music, dance and art shows, contests and workshops, the Centre of Child Activities at the Information and Counselling Centre for Local Culture motivates both child ensembles and individuals to high-quality illuminating performances. It also offers a large selection of events for their directors, such as workshops, seminars, professional publications and bulletins.

215. Next to other cultural facilities, museums and galleries are typical organizations where children and youth may spend their free time sensibly, and pursue their interests in amateur clubs and groups. In addition to ongoing work with children throughout the year, some large museums organize child camps with special focus on archaeological research, wildlife in natural reserves, etc. The activities are organized in two ways, either in specialized child groups at individual museums and galleries, in practically all scientific disciplines such as history, archaeology, art or natural sciences, depending on the nature of an individual institution; and activities featuring expositions, exhibitions and similar events, either directly linked to the school curriculum or as part of universal education, where the guide's word is adapted to the young visitor's age. Cultural facilities also cooperate with other organizations occupied with the leisure of children and youth by serving as their information centres and a source of fruitful ideas.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children

216. Protection of refugee children is governed by Act No. 498/1990 Coll. on refugees. The Act stipulates that for a child aged less than 15 years, the application for refugee status is filed by his/her legal representative or guardian named in an administrative procedure. Consent of a second legal representative if required, may be substituted by a court's decision. The person to which the Refugee Act applies receives appropriate protection and humanitarian assistance. This person is also entitled to accommodation, board and other services connected with the stay in a refugee camp free of charge, as well as to necessary medical care free of charge and pocket money (to persons aged less than 15).

217. A total of 7,699 applicants seeking refugee status went through refugee camps as at 31 December 1994, including 2,167 children between 0 and 18 years, 894 children aged between 0 and 6 years, 897 children aged between 6 and 15 years and 376 applicants aged between 15 and 18 years; 2,707 applicants

were so-called young adults aged between 18 and 26 years. The majority of applicants seeking refugee status come from Romania, Bulgaria, the former USSR and Armenia.

218. A non-governmental organization, the Czech Helsinki Committee, helps organize classes in the Czech language (four hours a day for two or three months) for applicants seeking refugee status living in refugee camps. The aim is to teach the asylum-seekers elementary vocabulary, the basics of grammar and basic information about the Czech Republic. The classes are free of charge and the children receive school aids.

219. In the areas of accommodation, board, medical care, education, social assistance and legal protection, increased attention is focused mainly on poor and large families and children who come to the Czech Republic without parents or other legal representatives. The necessary steps are taken to assign a guardian (by a court's decision) for unaccompanied deserted children, i.e. to place the child in custody. Persons from their original social and cultural environment have precedence.

220. At the end of 1993, the Czech Government approved the plan for integration of refugees who were granted refugee status. This creates necessary conditions for their easier integration in the Czech Republic. Exceptional attention is paid to families with children.

2. Children in armed conflicts

221. In conformity with a Czech government resolution, the Czech Republic participates in humanitarian assistance to the citizens of former Yugoslavia, namely Bosnia and Herzegovina. Humanitarian assistance is provided in humanitarian centres, which are established and managed by the Ministry of the Interior and others.

222. A total of 5,105 persons were assisted in the Ministry of the Interior's humanitarian centres as at 31 December 1994, including 2,032 children and youth aged between 0 and 18 years. Among them were 679 children aged between 0 and 6 years, 1,047 children aged between 6 and 15 years and 306 adolescents aged between 15 and 18 years; 640 persons were young adults aged between 18 and 26 years.

223. In 1994 (as at 31 December) 984 persons found refuge in the humanitarian centres, including 344 children aged between 0 and 18 years: 105 children between 0 and 6 years, 183 children between 6 and 15 years and 56 adolescents aged between 15 and 18 years. There were also 120 young adults aged between 18 to 26 years.

224. With the advent of the first refugee groups from the countries of the former Yugoslavia who found a temporary refuge in the Czech Republic, conditions for the education of children in their mother tongue in the humanitarian centres were created, where they were taught by their own teachers. This form of schooling was later discontinued for lack of interest from teachers and official representatives of Bosnia and Herzegovina and the

children started attending local schools. To facilitate their integration in Czech schools, basic Czech courses are organized in the humanitarian centres, as in the refugee camps. Children residing temporarily in the humanitarian centres attend elementary schools free of charge and they also receive school aids and necessary equipment. They can study at Czech secondary schools under the same conditions as Czech nationals. They can continue their studies at higher learning institutions (colleges and universities), but they must pay the tuition fees required by the specific school.

225. Children and adults alike receive social and psychological assistance in the humanitarian centres. One of the main principles adhered to is respect for their ethnic and cultural differences. There are also clubs with special programmes for children and youth in the centres, and contact and cooperation with schools are encouraged.

226. Professional social and psychological care for individuals is aimed at relieving the consequences of psychic trauma of long-lasting war. This care often represents a solution for the entire family, or it is a starting-point for family therapy.

227. As part of the MEDEVAC medical evacuation programme, several severely injured children from Bosnia and Herzegovina receive professional medical treatment on the Czech territory. The Czech Republic is ready to negotiate the possible extension of this assistance.

228. In 1994, the Czech Government approved a project for financial, psychological and social assistance to individuals and families living in a temporary refuge outside the humanitarian centres. The persons concerned receive financial assistance as Czech nationals.

229. In general, the efforts of persons in temporary refuge aimed at the unification of their families are supported (by so-called letters of guarantee for the closest relatives). These activities concern particularly children who came to the Czech Republic from centres of war accompanied by only one parent or relative. The search for family members and unification of families are carried out through the Czech Red Cross and, if necessary, also with the assistance of UNHCR.

230. The Section for Refugees at the Ministry of the Interior, which has authority to solve the problems of refugees, pays maximum attention to cooperation with non-governmental organizations, specifically with:

(a) The Organization for Assistance to Refugees, co-financed by UNHCR;

(b) The Czech Helsinki Committee Advisory Office for Refugees, co-financed by UNHCR;

(c) The Civic Association for Refugees, co-financed by UNHCR;

(d) LOKUS (psychological consultancy for adults and children residing temporarily), financed from UNHCR funds through the Section for Refugees.

231. The activities of non-governmental organizations are particularly oriented to the provision of supplementary social, legal, psychological, spiritual and material assistance to the families of the applicants, and also include participation in organizing their children's leisure.

B. Children in conflict with the law

1. The administration of juvenile justice

232. From the point of criminal offence and their share in the structure of offenders, juvenile offenders are divided into two categories: children aged less than 15 years, and juveniles aged between 15 and 18 years. Children have a 6.54 per cent share in the total of identified offenders, and they committed 5.88 per cent of crimes. Juveniles accounted for 16.18 per cent of total crimes in 1994 and had a 12.17 per cent share in the total number of offenders. In concrete figures, 8,053 children and 22,160 juveniles committed a crime in 1994, 8,353 children and 17,302 juveniles were prosecuted. In the total of prosecuted suspects, this represents 24 per cent, i.e. 25,655 persons.

233. The juvenile crime rate corresponds to the overall trend of crime development. Moreover, it is much more dynamic compared with the development of crime in general. At the same time, it must be emphasized that latent juvenile crime, and mainly in the area of moral and property crime and drug-related crimes, also exists.

234. In addition to a steep increase in the crime rate of juvenile offenders, the number of offences linked to alcohol and drug abuse increases. The signs of psychic dependency of children on gaming machines and their share in prostitution-related crimes are alarming.

235. Property crimes are the most frequent offences committed by delinquent children. In 1994, they represented 40.3 per cent of total juvenile crime (20,375 criminal offences). Delinquent children mostly participated in thefts of bicycles (14.4 per cent) and of things in cars (13.7 per cent), while youthful delinquents had a 20.4 per cent share in burglaries and 26.6 per cent in robberies. Most frequently, children commit simple theft (steal a non-secured thing), and they mainly go for money, cigarettes, alcohol, electronics and other consumer goods, particularly bicycles and motor vehicles, including component parts and accessories. Juvenile delinquents have a 41.3 per cent share in the total of simple thefts (10,269 juveniles), while their share in car thefts is the highest and amounts to 48.3 per cent.

236. A total of 2,745 juveniles committed violent crimes, which represents 16.7 per cent of the total. This includes 1,110 robberies (45.6 per cent of the total number); 293 children aged less than 15 years were investigated in connection with robberies.

237. Juvenile offenders accounted for 465 crimes against morality (cases of moral turpitude), which is 25 per cent of the total of offenders prosecuted. Information on registered juvenile moral offences provides evidence that this

type of juvenile crime remains hidden under latent crimes. This problem is also related to the fact that only 11 cases of infringement of morals as defined in section 205 of the Penal Code were explained.

238. Under article 8 of the Charter, nobody may be prosecuted or deprived of his/her freedom except on grounds and in a manner specified by law. Presumption of innocence is contained in article 40 of the Charter, which stipulates that "anybody who is accused of a crime in penal proceedings shall be considered innocent until proven guilty in a final verdict issued by a court". Under article 40 of the Charter, the accused has a right to remain silent. These important principles governing penal procedure are reflected in relevant legal regulations.

239. Under section 11 of the Penal Code a person who had not attained 15 years of age at the time of committing a crime cannot be held liable for it. However, in compliance with the conditions set by law, this person can be placed in protective custody. On attaining 18 years of age, a person becomes fully liable for his/her acts. Under section 33 of the Penal Code, infringement of penal law at an age close to the age of adolescence is generally considered as a mitigating circumstance.

2. Children deprived of their liberty

240. Terms, manner and forms of the deprivation of liberty (detention) are governed by Act No. 1 141/1961 Coll. on court penal procedure (Penal Procedure Code), Act No. 193/1993 Coll. on custody and Act No. 59/1965 on imprisonment, in the wording of later amendments and additions. These legal regulations contain special provisions concerning juveniles.

241. Section 293 of the Penal Procedure Code provides "... even if there is a reason for custody ... a juvenile may be taken into custody only if the purpose of custody cannot be attained otherwise". Under section 70 of the Penal Procedure Code, if the accused is taken into custody, a family member and also his superior have to be notified. The same reporting duty applies to cases of imprisonment.

242. In compliance with the Act on Custody, juveniles are placed separately from the adults. A juvenile may be placed in one cell with adult suspects only in exceptional cases, if there are grounds to consider such approach more appropriate. It can be done on the condition that the purpose of custody and moral and other security is maintained. The Act on Custody sets more favourable conditions for juveniles, for example for seeing visitors, receiving packages, solitary confinement, etc.

243. Special types of or special juvenile departments in prisons are established under section 5 of the Act on Imprisonment, for juveniles who have not attained 18 years of age at the time of serving a sentence, or subject to the court's decision.

3. Sentencing of juveniles

244. Article 6 of the Charter prohibits capital punishment and this is reflected in the Penal Code.

245. Sections 74-87 of the Penal Code contain special provisions on the sentencing of juveniles. A person who has not attained 18 years of age may be exceptionally sentenced to the maximum 10 years' imprisonment. This also applies to cases when a cumulative or concurrent sentence is passed. Persons aged under 18 years serve their prison sentence separately from other convicts in special prisons or prison wards.

246. Article 8 of the Charter bans illegal or arbitrary deprivation of freedom and this is directly reflected in relevant legal regulations.

247. In conformity with the Charter, the accused or suspect who has been detained, must be turned over to a court within 24 hours. In the case that the detention or court time-limit is exceeded, the person must be immediately released in compliance with sections 76 and 77 of the Penal Procedure Code. The right of an individual deprived of personal freedom to appeal (to a court) ranks among basic constitutional rights. It is specified in relevant legal regulations.

248. Sections 291 and 301 of the Penal Procedure Code contain special provisions on proceedings involving juveniles. As soon as a juvenile has been informed about the accusation (reasons for detention), she/he must have a defence lawyer ex officio. All provisions concerning juveniles reflect both the special psychological features of juveniles and the interest of the society in their recovery or social reintegration. Section 19 of Act No. 200/1990 Coll. on misdemeanours, in the wording of later regulations, also contains special provisions on juveniles.

249. A Binding Instruction of the Police Presidium of the Czech Republic No. 4 issued on 30 June 1994 and related to juvenile crime, governs the system of work in the area of juvenile crime and crime affecting children and youth. The instruction specifies in detail police officers' work in dealing with children and youth. Its article 1 stipulates a duty for all policemen to focus not only on the facts of a case as listed in penal law, but also on acts infringing the Convention on the Rights of the Child.

250. Since 1 January 1993 the Ministry of the Interior has managed a Republican Committee for the Prevention of Crime, headed by the Interior Minister. The Committee also includes representatives of the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, Ministry of Defence, the Ministry of Health and the Ministry of Justice.

251. Juvenile offenders according to the term of sentence imposed in 1994:

up to 6 months	up to 1 year	up to 2 years	up to 3 years	up to 4 years	up to 5 years
185	321	227	38	11	3

4. Physical and psychological recovery and social reintegration

252. Staff of specialized social departments at district councils - social curators for juveniles - care for juveniles with educational problems or juvenile offenders. In 1994, they cared for 5,253 juveniles aged less than 15 years who infringed penal law, and for 13,906 juvenile offenders aged between 15 and 18 years. In the same year, they dealt with 9,402 cases of adolescents with educational problems, such as truancy, escapes from home, aggressive behaviour, prostitution and various addictions.

253. The number of social curators for juveniles is currently increased from 122 by another 250 under the Social Prevention Programme to enable them to engage also in prevention, i.e. seek out jeopardized children instead of merely solving the most pressing socially dangerous phenomena. One curator for juveniles should take care of about 70 clients a year. Curators for juveniles participate in penal proceedings with the juveniles and use their rights embodied in legal regulations in favour of the juveniles.

254. A new kind of social worker was introduced under the Social Prevention Programme in some localities: a social assistant who should work with the youth in his/her natural environment. After a trial phase, these social workers should start working also in other regions.

255. Cooperation with various non-State entities engaging in juvenile crime and other negative phenomena affecting children and youth is developing successfully in the area of care for jeopardized youth, for example the civic associations Most, Sananim, etc.

C. Exploited children

1. Economic exploitation, including child labour

256. Section 11 of the Labour Code stipulates that natural persons acquire the capacity to have rights and duties in labour relations and the capacity to acquire these rights and assume these duties by their own legal acts ("employment law capacity") on the day they reach the age of 15. However, the employer may not determine as the first day of employment a day which precedes the day when this person completes compulsory school attendance.

257. A person who has finished compulsory school attendance at an auxiliary school prior to reaching the age of 15 acquires the employment law capacity on the day that his compulsory school attendance is completed, but at the earliest on the day he reaches the age of 14.

258. The age-limit of 18 years applies also to the agreement of part-time employment (subsidiary employment), so that under the Labour Code this cannot be agreed upon with a minor employee. The age of an employee shall also be considered in concluding contracts for work done outside an employment. Such contracts may be concluded with minors only if it does not infringe their healthy development or vocational training.

259. The Labour Code includes a special chapter governing working conditions of minors, and the respective issues pervade also its other provisions.

Overtime and night work (for minors aged less than 16) are expressly prohibited. Minors older than 16 years of age may exceptionally perform night work not exceeding one hour, if such is necessary for their vocational training. Such night work must directly follow after the work he does, in accordance with the schedule of work shifts, during daytime hours. Piece-work and underground work on extraction of minerals or tunnelling and mine-gallery driving are strictly prohibited to minors aged less than 16.

260. The Ministry of Health, in cooperation with the Ministry of Economy and the Ministry of Education, Youth and Sports, has published lists of jobs prohibited for minors.

2. Drug abuse

261. Alcohol abuse. Drug addicts, including alcohol addicts, rank among the youth groups subjected to the highest risk. Results of school surveys show that alcohol consumption among adolescents is very high, including hazardous forms, such as regular consumption of alcohol once a week, or more frequently.

262. The frequency of repeated alcohol intoxication of boys and girls aged between 11 and 15 is alarming. The results of surveys confirm that alcohol remains the most frequently used addictive drug and, in many cases, the source of later serious problems. The surveys and practical experience show that adolescents speak about alcohol drinking without any reservations because they do not consider it to be a drug, or something improper. The society's benevolent approach to this phenomena is confirmed by the statistics: only 22 cases of illegal serving of alcohol to adolescents (under sect. 218 of the Penal Code) were reported in 1994. In reality, however, many restaurants and discos are well known as serving alcohol to adolescents regularly and in some clubs or restaurants even children aged between 10 and 15 may get alcoholic beverages.

263. Drug abuse. In recent years, problem of non-alcoholic drug abuse is coming to the fore. Particularly among adolescents toxic drug abuse is spreading on a massive scale. Marijuana has become a fashion for secondary school students. Demand for addictive drugs, including so-called hard drugs is quickly growing. It is a well-known fact that in certain restaurants and clubs drugs can be freely bought. There are cases when dealers offer drugs to minors in the vicinity of schools and in certain cases even the minors work as dealers.

264. According to a survey carried out in 1994 by public health officers among 3,997 students in grammar schools, secondary schools and secondary vocational apprentice schools in the Czech Republic, 34.4 per cent of the respondents admitted they had an experience, although isolated, with a drug (marijuana was on the top of the list).

265. The fact that the Prague Contact Crisis Centre for Youth registers more than 10 children aged less than 15 years with long-term experience with "hard" drugs, i.e. heroin or pervitin, is evidence that ever younger age groups are involved in drug abuse. This year, the Drop-In centre specializing in

treatment of persons with a developed drug dependency has admitted one third of adolescents younger than 18 years of age and 35 per cent of its patients are young people between 15 and 20 years of age.

266. In 1994, the Czech police investigated 383 cases, including 298 cases of non-alcoholic intoxication. This number also indicates a high measure of tolerance of the public and competent authorities to this serious problem. There is, however, no in-patient facility for the treatment of minor drug addicts. The minors are either placed in child wards in psychiatric hospitals or in reformatories, and both solutions are inadequate. Possibilities for placement of drug addicts in the three existing therapeutic communities, Sananim, Pastor and Bonus, are also very limited.

267. The Czech Republic is a party to the 1988 United Nations Convention against Illegal Traffic in Narcotic Drugs and Psychotropic Drugs, as well as other related international documents.

268. Increased protection of children against drugs is inherently contained in the definition of certain crimes, such as unlicensed manufacture and possession of narcotic and psychotropic drugs under sections 187 and 188, and spread of drug addiction (incitement to drug abuse) under section 188a of the Penal Code.

269. On the basis of an intersectoral agreement on cooperation in the protection against narcotic and psychotropic drugs, the Ministry of the Interior established in March 1993 and managed an intersectoral anti-drug commission. Its members include representatives of the involved sectors and State Attorney's Office. Its main objective is to balance the repressive and preventive measures in this area. With regard to the importance of the drug problem, the intersectoral anti-drug commission was transferred under the control of the Czech Republic's Government Office on 21 May 1995. At present, all ministries represented on the commission prepare internal anti-drug programmes. Anti-drug coordinators working in the majority of Czech districts have the task to create a regional anti-drug policy.

270. Gambling. Gambling is a problem affecting more and more frequently also young people. It is usually registered after they infringe the penal law, and the motive for the offence is subsequently investigated. The youth are much more susceptible to thefts than adults because they have less money. This negative phenomenon is linked to the huge increase of gaming machines in towns and villages.

271. Provisions of section 19 of Act No. 202/1990 Coll. on lotteries and other similar games may be applied to regulate the gambling of juveniles. And local councils which provide a licence for the operation of gaming machines may introduce requirements necessary in the public interest. Strict control and supervision is also necessary.

3. Sexual exploitation and sexual abuse

272. In recent years, the number of child prostitutes aged less than 18 years, both girls and boys, has grown steeply in the Czech Republic. In addition to

prostitution, minor girls are also misused for pornographic materials. Next to health problems, youth prostitution also brings social problems. It is usually accompanied by truancy, petty crime, discontinued education and vocational training, broken contacts with family, or premature pregnancies of single adolescent mothers.

273. Subsequently, other problems arise in connection with children of prostitutes not interested in raising their children (particularly in North Bohemia). Even the risk of sale of children abroad cannot be excluded, where the parties interested in the adoption (prospective buyers) are interested also in coloured children.

274. For women and girls, who have difficulties finding employment, prostitution becomes an easy and quite often acceptable way of earning a living. In extreme cases it is compelled, and entire families live off the earnings.

275. In 1994, 214 persons were prosecuted for procuring. At first glance, this figure reveals an obvious imbalance between the number of persons engaging in prostitution and the number of reported cases. This situation is caused by the very essence of organized crime, which includes other criminal activities connected with prostitution. Conspiring between the offenders and the organizers, and the fear of the affected persons who are afraid of the revenge of crime gangs and of moral condemnation of the environment, have a negative impact on the evidence proceedings, cause lengthy preparatory procedure and affect the outcome of proceedings.

276. Prohibition of sexual exploitation of children is embodied in section 204 of the Penal Code which defines procuring.

277. Section 242 of the Penal Code prohibits sexual abuse of the child and defines the facts of sexual abuse.

278. Child pornography is prohibited under section 205 of the Penal Code defining offences against morals.

279. Two hundred and seventy cases of sexual abuse of dependents were reported in the Czech Republic in the first half of 1994, 831 cases of sexual abuse of other persons, 11 cases of offences against morals, 203 cases of procuring and 274 cases of offences posing a threat to the moral education of adolescents. We may also include the 736 rape victims qualifying under section 241.

4. Sale, trafficking and abduction

280. In general, protection of children against sale, trafficking and abduction is guaranteed in the Charter and specified in section 216 of the Penal Code which prohibits abduction of a child, i.e. taking him/her away from the custody of a person who has the custody of the child under law or as a result of the court's decision. Trafficking in children is also prohibited in section 216, and defined as abduction with the aim of making a profit.

281. In the first half of 1994, 54 abductions and child desertions were found. Both these offences are shown in the statistics together. No case of trafficking was reported. However, the Czech Republic may serve as a transit country for trafficking.

D. Children belonging to a minority or an indigenous group

282. The rights of ethnic minorities are governed by articles 24 and 25 of the Charter. Its article 3 stipulates that "... fundamental rights and freedoms are guaranteed to everybody irrespective of ... membership in a national or ethnic minority ...".

283. Citizens forming a national or ethnic minority are guaranteed an all-round development, particularly the right to cultivate with other members of the minority their own culture, the right to disseminate and receive information in their native language, associate in their ethnic associations, and the right to participate in the solution of matters concerning national and ethnic minorities. These rights are practically applied in the life of minorities.

284. At present, the Czech Republic does not make a difference in its national policy between ethnic and national minorities. A total of 576,136 Czech nationals (citizens) claimed other than Czech, Moravian or Silesian nationality during the 1991 population census.

285. The largest national minorities are represented in the Czech Government Council for Minorities. This involves Slovaks, Poles, Germans, Hungarians, Romanies (Roma/Gypsies) and Ukrainians.

286. As an advisory and initiative body of the Government, the Council for Minorities helps create the national policy of the Czech Government. It also plays a key role in the allocation of money from the State budget in support of the national press, radio and television broadcasting. Many activities are oriented at the young generation. At present, particularly the Romanian, Slovak, German, Hungarian, Polish, Ukrainian, Greek and Croatian minorities make claims for money to support their activities.

287. With respect to articles 29 and 30 of the Convention, the Roma/Gypsy minority has a special position in the Czech Republic. It is the only minority distinctly differing, by its specific anthropological and social characteristic features, not only from the territorial majority, but also from the other ethnic minorities living in the Czech Republic. At the end of 1992, on the day of the split of the Czechoslovak State, 145,711 Romanies were registered at the district councils in the Czech Republic. After 1990, the Romanies are no longer registered as a special group of inhabitants. Their share in the total number of inhabitants of the Czech Republic is about 1.4 per cent. Most of the Romanies moved to the Czech lands from the Slovak Republic after 1945. A specific feature of the Romany population is a high share of young people aged less than 18 years (about 50 per cent) and a low number of pensioners (about 7 per cent).

288. During the population census carried out in the Czech Republic in 1991, 32,303 Romanies claimed Roma/Gypsy origin. This number included 38 per cent

of children aged less than 14 years, and 12 per cent of young people aged less than 19. The number of people in higher age groups gradually decreases, until the extremely low number of pensioners, which is 2.7 per cent for men and 6.6 per cent for women.

289. The life of Romanies is full of problems arising from the low social level of almost the entire minority and directly caused by a very low level of education (it is estimated that only 2 per cent of Romanies are college or university graduates, and a small percentage of persons have completed secondary education), and minimal job qualifications. This results in high unemployment of Romanies, while unemployment among their young is particularly high. These facts directly influence the place of Romanies in social and occupational structures of the society and the quality of their inter-ethnic contacts. Another serious problem which distinctly affects the position of Romanies in Czech society is their high share in crime, which is almost 10 times higher than is the case of other citizens, according to the police findings.

290. In respect of Romanies, the Government encourages concrete local projects based on creation of conditions for the activities aimed at the most problematic areas (from the point of view of the Romany minority), and which substantially determine its future prospects and social position. This involves particularly the area of education and training, employment, leisure, health care, prevention of crime and solution of inter-ethnic conflicts. In addition to administrative authorities, also non-State organizations participate in such projects, including charities and a number of various foreign governmental and non-governmental organizations. The individual ministries have created systems of grants in support of these activities.

291. The Czech Government continuously adopts measures oriented at the support of the above-mentioned activities and at the prevention of negative social phenomena, including the elimination of xenophobia and racism. In the area of welfare and social and legal protection, no differences are made because of the ethnic origin.